

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION	:	Case No. 07-MD-1902 (JSR)
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This document relates to:

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KENNETH M. KRYIS, et al.,	:	Case No. 08-cv-3065 (JSR)
	:	
Plaintiffs,	:	Case No. 08-cv-3086 (JSR)
	:	
-against-	:	<u>ECF Case</u>
	:	
CHRISTOPHER SUGRUE, et al.,	:	
	:	
Defendants.	:	
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SPECIAL MASTER ORDER ON POSSIBLE DISCOVERY DISPUTES

SPECIAL MASTER RONALD J. HEDGES, for good cause shown, hereby orders under judicial compulsion as follows:

WHEREAS, the Kryis Plaintiffs, on the one hand, and defendants PricewaterhouseCoopers LLP and Mari Ferris, on the other hand (individually, a "Party," and, collectively, the "Parties"), are subject to a May 6, 2010 Order requiring the Parties, subject to a reservation of rights, to produce documents responsive to existing requests for documents and to advise the Special Master by June 30, 2010 if there are any known disputes between the Parties;

WHEREAS, on June 30, 2010, PwC advised the Special Master that the Kryis Plaintiffs' document production was not complete and that PwC had a potential issue with the Kryis Plaintiffs' withholding from production certain affidavits of Kenneth Kryis in their entirety, and

redacting portions of other Krys affidavits, on the grounds of attorney-client privilege and attorney work product;

WHEREAS, Plaintiffs have now indicated their belief that with the exception of the Krys affidavits issue, their production of documents in response to PwC's existing document requests is complete; and

WHEREAS, at the instruction of the Special Master, the Parties have conferred and proposed a timetable for the Krys Plaintiffs to provide information to PwC to assist it in determining if it has a dispute with the Krys Plaintiffs concerning the production of the Krys affidavits.

NOW, THEREFORE, subject to further modification, on or before July 22, 2010, the Krys Plaintiffs will provide to PwC information regarding their privilege assertions concerning the Krys affidavits, which shall include copies of any relevant Cayman orders, a description of which parties other than the Cayman Court have received drafts or final copies of the Krys affidavits, and a written explanation of the basis for the Krys Plaintiffs' assertion of privilege and why any such privilege has not been waived. The Parties will thereafter make a good faith effort to resolve any remaining dispute with respect to this issue. Any such disputes if unresolved by the Parties, must be brought to the attention of Special Master Hedges by August 5, 2010. This Order does not replace or supersede the May 6, 2010 Order in any regard not expressly provided for herein.

SO ORDERED this 27th day of July, 2010



HON. RONALD J. HEDGES
SPECIAL MASTER